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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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WILLIAMS, MORGAN & AMERSON  
10333 RICHMOND, SUITE 1100  
HOUSTON, TX 77042

EXAMINER

BLENMAN, AVALON

ART UNIT PAPER NUMBER

2153

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/030,346

Applicant(s)

CHEN, XIAOBAO

Examiner

Avalon Blenman

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. 10/030,346.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to amendment and remarks filed October 7<sup>th</sup>, 2005. Claims 1-14 are presented for further consideration, of which 1 & 9 are independent claims. No claims have been amended, cancelled or added. This office action is made **NON-FINAL**.

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. EPO 99303041.0, filed on 04/20/1999. As such, the effective filing date for the subject matter defined in the pending claims is April 20<sup>th</sup>, 1999.

### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on October 19<sup>th</sup>, 2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Drawings***

4. Figures 1-4(a) should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled

Art Unit: 2153

"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

5. The disclosure (pgs 7-13) is objected to because descriptions referring to figures 1-4(a) describes that which is old and should appear in the section entitled "Background of the Invention" rather than "Description of Preferred Embodiment". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1 & 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The disclosure (pg. 6, lines 20-26) describes a proxy server (fig. 12, #144, Fn PS) located in the foreign network to be an "essential requirement". However, this feature is not recited in the claim language.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims **1-4, 8-10, 12, & 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Agraharam et al. (US 6,407,988)**, further in view of **Hulthen et al. (US 6,073,016)**.

10. In considering independent claims **1 & 9**, Agraharam discloses a method and mobile IP environment (see fig. 2) of establishing an IP quality of service session (route optimization, col. 6, lines 21-33) between a correspondent node (fig. 2, #150, Correspondent Host, CH) and a mobile node (fig. 2, #100.1, Mobile Host, MH), the mobile node having a home address in a home network (fig. 2, #111.1) and being temporarily connectable in a foreign network (fig. 2, #111.2) having a foreign agent (fig. 2, #104.2, FA) associated with at least one further mobile node (fig. 1 #100.1 & 100.3), wherein IP packets are directed to the mobile node (MH) from the correspondent node (CH) via the home network, the quality of service session being maintained in dependence on flow identification information in the IP packets [col. 5, lines 27-44]. Agraharam further discloses:

- allocating temporary flow identification information (temporary foreign address) for a quality of service (QoS) session to be configured [col. 7, line 13-15].

However, Agraharam is silent as to the steps of this allocation. Nonetheless, in related art, Hulthen discloses a method of establishing a session between a correspondent node and a mobile node (fig. 1, any "mobile unit"), the mobile node having a home address in a home network (home cell) and being temporarily connectable ("roaming") in a foreign network (another cell) having a foreign agent ("base station") associated with at least one further mobile node [col. 5, lines 20-22, 36-39]. Hulthen further discloses:

- means for determining whether the flow identification information of a session to be configured (available identification code requested by mobile terminal) matches the flow identification information of an existing session (fig. 7A) [col. 10, lines 22-41, col. 15, lines 27-54].

Given the teachings of Hulthen, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Agraharam where responsive to a match, allocating temporary flow identification information. The motivation as suggested by Hulthen, would be to assign a temporary unique identification flow information to a mobile host while it is located in the foreign network [col. 10, lines 42-47].

11. In considering claims **2-4, 8, 10, 12, & 13**, the rejections are as set forth in Non-Final Office Action mailed 07/27/2005.

12. Claims **5, 6, & 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Agraharam** in view of **Hulthen** as applied to claim 1 above, and further in view of **Borella et al. (US 6,697,354)** as set forth in Non-Final Office Action mailed 07/27/2005.

13. Claim **7** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Agraharam** in view of **Hulthen** as applied to claim 1 above, in further view of **Jain et al. ("Mobile Internet Access and QoS Guarantees Using Mobile IP and RSVP with Location Registers)**, as set forth in Non-Final Office Action mailed 07/27/2005

***Response to Amendment***

14. Applicant's arguments filed October 27<sup>th</sup>, 2005 have been fully considered but they are not persuasive.

15. Applicant argues:

A *"--Hulthen is completely silent with regard to the flow identification in the IP packets that are directed to the mobile node. Hulthen does not compare particular proposed flow identification information to flow identification information already in use--"* (pg. 5).

B *"--Because two or more requests may be pending for a single mobile ID from different mobile communication units which have randomly selected the same*

*temporary UID, the temporary ID of Hulthen is not, and cannot be a unique piece of information associated with a particular request--" (pg. 7).*

- C *"--Examiner cannot content that the Hulthen reaches assigning temporary flow identification information to the quality of service session to be configured because the Examiner argues that this "unique mobile ID" corresponds to the "temporary flow identification information" recited in claim 1...Examiner cannot use assigning of a unique mobile ID for future use to satisfy allocation temporary flow identification information to the quality of service session to be configured...because the Examiner asserts that the unique mobile ID corresponds to the "identification flow information", the Examiner has failed to show allocating temporary flow identification information--" (pg. 8)*
- D *"--the cited references fail to provide any suggestion or motivation for combining Agraharam and Hulthen to arrive at the claimed invention--" (pg. 8).*

16. In considering argument A above, Examiner respectfully disagrees. Hulthen indeed discloses flow identification information in the IP packets that are directed to the mobile node [fig. 4A, col. 9, lines 8-10]. Hulthen discloses a header (fig. 4A, #202) containing a "temporary address or identification code" assigned by a host computer [col. 9, lines 8-20]. Hulthen further discloses comparing particular proposed flow identification information (available identification code requested by mobile terminal) to flow identification information already in use (fig. 7A) [col. 10, lines 22-41, col. 15, lines 27-54].



17. In considering argument B above, Examiner respectfully disagrees. The temporary ID of Hulthen is indeed a unique piece of information associated with a particular request. Hulthen discloses that the mobile communication unit is identifiable and distinguishable to the network with respect other mobile communication units [col. 9, lines 43-50, col. 14, lines 59-65]. This indeed designates unique identification information.

18. In considering argument C above, Examiner respectfully disagrees. Hulthen indeed discloses allocating temporary flow identification information [col. 9 lines 51-58]. Hulthen further discloses:

--at least one processor in the communication system for determining if the at least one mobile terminal is requesting an available identification code be assigned, wherein the processor is capable of attempting to assign an available identification code to the at least one mobile terminal in the event the at least one mobile terminal is requesting an available identification code be assigned, the particular mobile terminal employing the available identification code to register to the network backbone substantially constantly from each of a plurality of cells while the at least one mobile terminal is roaming--" [claim 9].

It is clear that once the mobile node is temporarily connected to the foreign network (roaming), the unique identification code assigned is indeed temporary so as long as the mobile device remains in the foreign network. At the time of the invention, It was well known to one of ordinary skill in the art, that once the mobile node moves to

another foreign network, it would have to register with that foreign network and thus again be assigned temporary flow identification information.

19. In considering argument D above, Examiner respectfully disagrees. As set forth above in reference to claim 1, the motivation as suggested by Hulthen, would be to assign a unique identification flow information to each mobile host registered in a foreign network [col. 10, lines 42-47]. Maintaining a current table of available identification codes (fig. B) that may be assigned to a mobile node desiring to access a network [col. 10, lines 42-47, col. 15, line 54 – col. 16, line 17] would ensure that a subsequent mobile node joining the foreign network would not be assigned temporary flow identification information that is already in use by another mobile node.

### ***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avalon Blenman whose telephone number is (571) 272-5864. The examiner can normally be reached on Mon-Fri, 7:00 AM - 4:30 PM (even date Mons. off).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone

Art Unit: 2153

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avalon Blenman  
01/23/2006



GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100